

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re: Terrence L. Howard Debtor Nationstar Mortgage LLC Movant v. Terrence L. Howard Debtor/Respondent SCOTT F. WATERMAN, Esquire Trustee/Respondent	Bankruptcy No. 23-13369-amc Chapter 13 Hearing Date: June 26, 2024 Hearing Time: 10:00 A.M. Location: 900 Market Street, Suite 400 Philadelphia, PA 19107 Courtroom Number #4
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**MOTION OF NATIONSTAR MORTGAGE LLC FOR RELIEF FROM THE
AUTOMATIC STAY TO PERMIT NATIONSTAR MORTGAGE LLC TO FORECLOSE
ON 7127 GUYER AVE, PHILADELPHIA, PENNSYLVANIA 19153-2405**

Secured Creditor, Nationstar Mortgage LLC, by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d), for a modification of the automatic stay provisions for cause, and, in support thereof, states the following:

1. Debtor(s), Terrence L. Howard, filed a voluntary petition pursuant to Chapter 13 of the United States Bankruptcy Code on November 7, 2023.
2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.
3. On November 30, 2020, Terrence Howard executed and delivered a Promissory Note (“Note”) and Mortgage (“Mortgage”) securing payment of the Note in the amount of

\$132,554.00 to Bank of America, N.A. A true and correct copy of the Note is attached hereto as Exhibit “A.”

4. The Mortgage was recorded on December 16, 2020 in Document ID 53764942 of the Public Records of Philadelphia County, PA. A true and correct copy of the Mortgage is attached hereto as Exhibit “B.”
5. The Mortgage was secured as a lien against the Property located at 7127 Guyer Ave, Philadelphia, Pennsylvania 19153-2405, (“the Property”).
6. The loan was lastly assigned to Nationstar Mortgage LLC and same was recorded with the Philadelphia County Recorder of Deeds on February 13, 2024, as Document ID 54269682. A true and correct copy of the Assignment of Mortgage is attached hereto as Exhibit “C.”
7. Based upon the Debtor(s)’ First Amended Chapter 13 Plan (Docket No.17), the Trustee intends to cure Secured Creditor's pre-petition arrearages within the Chapter 13 Plan and the Debtor is responsible for maintaining post-petition payments directly to Secured Creditor. A true and correct copy of the First Amended Chapter 13 Plan is attached hereto as Exhibit “D.”
8. Debtor has failed to make the monthly payments of principal, interest, and escrow in the amount of \$974.28 which came due on March 1, 2024, and May 1, 2024 respectively.
9. Thus, Debtor(s)’ post-petition arrearage totaled the sum of \$2,042.68 with suspense balance of \$880.16 through April 30, 2024. See Exhibit “E.”
10. As of May 21, 2024 the current unpaid principal balance due under the loan documents is approximately \$124,405.86. Movant’s total claim amount, itemized below, is approximately \$126,889.25. See Exhibit “F.”

Unpaid Balance	\$124,405.86
Interest	\$2,156.84

Escrow Advance	\$1,983.27
Total Suspense	(\$1,656.72)
Total to Payoff	\$126,889.25

11. According to the Debtor(s)' schedules, the value of the property is \$137,026.00. A true and accurate copy of the Debtor(s)' Schedule A/B is attached hereto as Exhibit "G."
12. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay for "cause" which includes a lack of adequate protection of an interest in property. Sufficient "cause" for relief from the stay under Section 362(d)(1) is established where a debtor has failed to make installment payments or payments due under a court-approved plan, on a secured debt, or where the Debtor(s) have no assets or equity in the Mortgaged Property.
13. As set forth herein, Debtor has defaulted on his secured obligation as he has failed to make his monthly post-petition installment payments.
14. As a result, cause exists pursuant to 11 U.S.C. § 362(d) of the Code for this Honorable Court to grant relief from the automatic stay to allow Secured Creditor, its successor and/or assignees to pursue its state court remedies, including the filing of a foreclosure action.
15. Additionally, once the stay is terminated, the Debtor(s) will have minimal motivation to insure, preserve, or protect the collateral; therefore, Secured Creditor requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

WHEREFORE, Secured Creditor, prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) to permit Nationstar Mortgage LLC to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain possession of said collateral, to seek recovery of its reasonable attorneys' fees and costs incurred in this proceeding, to waive the 14-day stay imposed by Fed.R.Bankr.P. 4001(a)(3), and

for any such further relief as this Honorable Court deems just and appropriate.

Date: May 23, 2024

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& Partners, PLLC**

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